

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

ORDER
06-CR-0550 (JS)

SANDRA HATFIELD, DAVID H. BROOKS,
PATRICIA LENNEX

Defendants.

-----X

APPEARANCES:

For Government: Richard Thomas Lunger, Jr., Esq.
Christopher Allen Ott, Esq.
James Halleron Knapp, Esq.
James M. Miskiewicz, Esq.
United States Attorneys Office
610 Federal Plaza
Central Islip, NY 11722-4454

For Defendants:

Sandra Hatfield Roland G. Riopelle, Esq.
Maurice H. Sercarz, Esq.
Sercarz & Riopelle, LLP
152 West 57th Street, 24th Floor
New York, NY 10019

David Brooks John C. Meringolo, Esq.
Meringolo and Associates, P.C.
1790 Broadway, Suite 1501
New York, NY 10019

Zaki I. Tamir, Esq.
Gofer Tamir and Assoc.
55 Broad Street
New York, NY 10004

James M. LaRossa, Esq.
240 West End Avenue
New York, NY 10023

Kenneth Ravenell, Esq.
William H. Murphy, Jr., Esq.
The Murphy Firm
1 South Street, 23rd Floor
Baltimore, MD 21202

Richard Ware Levitt, Esq.
Yvonne Shivers, Esq.

Law Offices of Richard W. Levitt
148 E. 78th Street
New York, NY 10021

Roger V Archibald, Esq.
William C. Thompson, Esq.
16 Court Street
Brooklyn, NY 11241

Patricia Lennex: Michael F. Bachner, Esq.
Bachner & Herskovits, P.C.
26 Broadway, Suite 2310
New York, NY 10004

Dawn Schlegal: Steven G. Kobre, Esq.
Francisco J. Navarro, Esq.
Kobre & Kim LLP
800 Third Avenue
New York, NY 10022

SEYBERT, District Judge:

Pending before the Court is Defendant Sandra Hatfield's motion to exclude Dawn Schlegal's attorney, Francisco Navarro, from the Courtroom. That motion is DENIED. Fed. R. Evid. 615 only authorizes the Court to exclude non-party "witnesses," not those witnesses' attorneys. There is, obviously, a big difference between "witnesses" and "attorneys." And this Court will not read words into Rule 615 that neither Congress nor the Supreme Court authorized. That being said, the Court cautions Mr. Navarro that, to the extent he communicates factual information to Ms. Schlegal concerning other witnesses' testimony, the attorney-client privilege will not protect those communications. Thus, on cross-examination, Ms. Schlegal must answer any questions she receives concerning what factual information Mr. Navarro conveyed to her

concerning this trial's events.

SO ORDERED.

/s/
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
February 1, 2010